IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 17TH AUGUST 2006 / 26TH SRAVANA 1928

Bail Appl..No. 5028 of 2006

CMP.421/2006 of SPL. COURT (NDPS ACT CASES), VADAKARA
CRIME NO. 115/2006 OF PANDIKKAD POLICE STATION

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PETITIONER/2ND ACCUSED

NABEESA, W/O.HABEEB,
KAKKUZHIYIL HOUSE, PANDIKKAD,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: COMPLAINANT AND STATE

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1. THE C.I. OF POLICE,
PANDIKKAD POLICE STATION, MALAPPURAM DISTRICT.

2. THE STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5028/2006

DATED THIS THE 17TH DAY OF AUGUST, 2006

O R D E R

The petitioner, the second accused, in crime No.115/2006 of Pandikkad Police Station was unsuccessful in getting bail from the Court of the Special Judge (NDPS Act Cases), Vadakara, as the bail application of the petitioner was dismissed, on the ground that the investigation has not progressed and she may get bail on the latter stage. Hence the petitioner is before this Court, under Section 439 Cr.P.C.

2. The petitioner was arrested on 9.7.2006 and remains in judicial custody from 10.7.2006. 40 kgs of ganja was seized from the house of the petitioner. As the petitioner is working as a home nurse in different houses, she used to hand over the key to the adjacent house, Eleven year old son of the petitioner alone was in the house. The police received some information that the first accused, who is habitually engaging himself in

transactions in ganja and other contraband items, had kept forty kgs of ganja in the house of the petitioner. The counsel submitted that the petitioner is unaware of the storing of the ganja in her house, as she was away from the house. When the police went to the house, the first accused ran away and escaped. The petitioner had been arrayed as accused, only because she is the owner of the house.

3. The learned Public Prosecutor submitted that the investigation has progressed much, but for getting the report from the chemical analysis laboratory.

4. In the above facts situation, I grant bail and release the petitioner from jail, subject to the following condition:-

> (a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Special Judge (NDPS Act Cases), Vadakara. At that time, the learned Sessions Judge is authorised to impose such conditions, which are

deemed necessary, so that the petitioner would be available before the Court, for the trial and disposal of the Sessions Case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs